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## CHAPTER 18.

### EDUCATION ACCOUNTABILITY ACT OF 1998

#### ARTICLE 1.

##### GENERAL PROVISIONS

**SECTION 59-18-100.** Performance based accountability system for public education established; “accountability” defined.

The General Assembly finds that South Carolinians have a commitment to public education and a conviction that high expectations for all students are vital components for improving academic achievement. It is the purpose of the General Assembly in this chapter to establish a performance based accountability system for public education which focuses on improving teaching and learning so that students are equipped with a strong academic foundation. Accountability, as defined by this chapter, means acceptance of the responsibility for improving student performance and taking actions to improve classroom practice and school performance by the Governor, the General Assembly, the State Department of Education, colleges and universities, local school boards, administrators, teachers, parents, students, and the community.

**SECTION 59-18-110.** Objectives.

The system is to:

- (1) use academic achievement standards to push schools and students toward higher performance by aligning the state assessment to those standards and linking policies and criteria for performance standards, accreditation, reporting, school rewards, and targeted assistance;
- (2) provide an annual report card with a performance indicator system that is logical, reasonable, fair, challenging, and technically defensible which furnishes clear and specific information about school and district academic performance and other performance to parents and the public;
- (3) require all districts to establish local accountability systems to stimulate quality teaching and learning practices and target assistance to low performing schools;
- (4) provide resources to strengthen the process of teaching and learning in the classroom to improve student performance and reduce gaps in performance;
- (5) support professional development as integral to improvement and to the actual work of teachers and school staff; and
- (6) expand the ability to evaluate the system and to conduct in-depth studies on implementation, efficiency, and the effectiveness of academic improvement efforts.

**SECTION 59-18-120.** Definitions.

As used in this chapter:

- (1) “Oversight Committee” means the Education Oversight Committee established in Section 59-6-10.
- (2) “Standards based assessment” means an assessment where an individual’s performance is compared to specific performance standards and not to the performance of other students.
- (3) “Disaggregated data” means data broken out for specific groups within the total student population, such as by race, gender, and family income level.
- (4) “Longitudinally matched student data” means examining the performance of a single student or a group of students by considering their test scores over time.
- (5) “Norm-referenced assessment” means assessments designed to compare student performance to a nationally representative sample of similar students known as the norm group.

- (6) “Academic achievement standards” means statements of expectations for student learning.
- (7) “Department” means the State Department of Education.
- (8) “Absolute performance” means the rating a school will receive based on the percentage of students meeting standard on the state’s standards based assessment.
- (9) “Improvement performance” means the rating a school will receive based on longitudinally matched student data comparing current performance to the previous year’s for the purpose of determining student academic growth.
- (10) “Objective and reliable statewide assessment” means assessments that yield consistent results and that measure the cognitive knowledge and skills specified in the state-approved academic standards and do not include questions relative to personal opinions, feelings, or attitudes and are not biased with regard to race, gender, or socioeconomic status. The assessments must include a writing assessment and multiple-choice questions designed to reflect a range of cognitive abilities beyond the knowledge level. Constructive response questions may be included as a component of the writing assessment.
- (11) “Division of Accountability” means the special unit within the oversight committee established in Section 59-6-100.
- (12) “Formative assessment” means assessments used within the school year to analyze general strengths and weaknesses in learning and instruction, to understand the performance of students individually and across achievement categories, to adapt instruction to meet students’ needs, and to consider placement and planning for the next grade level. Data and performance from the formative assessments must not be used in the calculation of school or district ratings.

### ARTICLE 3.

#### ACADEMIC STANDARDS AND ASSESSMENTS

##### **SECTION 59-18-300.** Adoption of educational standards in core academic areas.

The State Board of Education is directed to adopt grade specific performance-oriented educational standards in the core academic areas of mathematics, English/language arts, social studies (history, government, economics, and geography), and science for kindergarten through twelfth grade and for grades nine through twelve adopt specific academic standards for benchmark courses in mathematics, English/language arts, social studies, and science. The standards are to promote the goals of providing every student with the competencies to:

- (1) read, view, and listen to complex information in the English language;
- (2) write and speak effectively in the English language;
- (3) solve problems by applying mathematics;
- (4) conduct research and communicate findings;
- (5) understand and apply scientific concepts;
- (6) obtain a working knowledge of world, United States, and South Carolina history, government, economics, and geography; and
- (7) use information to make decisions.

The standards must be reflective of the highest level of academic skills with the rigor necessary to improve the curriculum and instruction in South Carolina’s schools so that students are encouraged to learn at unprecedented levels and must be reflective of the highest level of academic skills at each grade level.

##### **SECTION 59-18-310.** Development or adoption of statewide assessment program to promote student learning and measure student performance.

(A) Notwithstanding any other provision of law, the State Board of Education, through the Department of Education, is required to develop or adopt a statewide assessment program to promote student learning and to measure student performance on state standards and:

- (1) identify areas in which students need additional support;
- (2) indicate the academic achievement for schools, districts, and the State;
- (3) satisfy federal reporting requirements; and
- (4) provide professional development to educators.

Assessments required to be developed or adopted pursuant to the provisions of this section or chapter must be objective and reliable.

(B) The statewide assessment program in the four academic areas must include grades three through eight, an exit examination in English/language arts and mathematics, which is to be first administered in a student's second year of high school enrollment beginning with grade nine, and end-of-course tests for gateway courses awarded Carnegie units of credit in English/language arts, mathematics, science, and social studies. Beginning with the graduating class of 2010, students are required to pass a high school credit course in science and a course in United States history in which end-of-course examinations are administered to receive the state high school diploma.

(C) While assessment is called for in the specific areas mentioned above, this should not be construed as lessening the importance of foreign languages, visual and performing arts, health, physical education, and career or occupational programs.

(D) By March 31, 2007, the State Board of Education shall create a statewide adoption list of formative assessments aligned with the state content standards and satisfying professional measurement standards in accordance with criteria jointly determined by the Education Oversight Committee and the State Department of Education. The formative assessments must provide diagnostic information in a timely manner to all school districts for each student during the course of the school year. For use beginning with the 2007-08 school year, with funds appropriated by the General Assembly, local districts must be allocated resources to select and administer formative assessments from the statewide adoption list to use to improve student performance in accordance with district improvement plans. However, if a local district already administers formative assessments, the district may continue to use the assessments if they meet the state standards and criteria pursuant to this subsection.

(E) The State Board of Education shall adopt a developmentally appropriate formative reading assessment for use in first and second grades to be administered initially in the 2007-08 school year. The assessment must provide opportunities for periodic formative assessment during the school year, reports that are useful for informing classroom instruction, strand, or significant groupings of standards level information about individual students, and must be compatible with best practices in reading instruction and reading research. The State Department of Education shall provide appropriate and on-going professional development to support appropriate use of the assessment.

(F) The State Department of Education shall provide on-going professional development in the development and use of classroom assessments, the use of formative assessments and the use of the end-of-year state assessments so that teaching and learning activities are focused on student needs and lead to higher levels of student performance.

**SECTION 59-18-320.** Review of field test; general administration of test; accommodations for students with disabilities; adoption of new standards.

(A) After the first statewide field test of the assessment program in each of the four academic areas, and after the field tests of the end of course assessments of benchmark courses, the Education Oversight Committee, established in Section 59-6-10, will review the state assessment program and the course assessments for alignment with the state standards, level of difficulty and validity, and for the ability to differentiate levels of achievement, and will make recommendations for needed changes, if any. The review will be provided to the State Board of Education, the State Department of Education, the Governor, the Senate Education Committee, and the House Education and Public Works Committee as

soon as feasible after the field tests. The Department of Education will then report to the Education Oversight Committee no later than one month after receiving the reports on the changes made to the assessments to comply with the recommendations.

(B) After review and approval by the Education Oversight Committee, the standards-based assessment of mathematics, English/language arts, social studies, and science will be administered to all public school students to include those students as required by the 1997 reauthorization of the federal Individuals with Disabilities Education Act and by Title 1 at the end of grades three through eight. To reduce the number of days of testing, to the extent possible, field test items must be embedded with the annual assessments. In accordance with the requirements of the federal No Child Left Behind Act, science assessments must be administered annually to all students in one elementary and one middle school grade. The State Department of Education shall develop a sampling plan to administer science and social studies assessments to all other elementary and middle school students. The plan shall provide for all students and both content areas to be assessed annually; however, individual students, except in census testing grades, are not required to take both tests. In the sampling plan, approximately half of the assessments must be administered in science and the other half in social studies in each class. To ensure that school districts maintain the high standard of accountability established in the Education Accountability Act, performance level results reported on school and district report cards must meet consistently high levels in all four core content areas. Beginning with the 2007 report card, the core areas must remain consistent with the following percentage weightings established and approved by the Education Oversight Committee: in grades three through five, thirty percent each for English/language arts and math, and twenty percent each for science and social studies; and in grades six through eight, twenty-five percent each for English/language arts and math, and twenty-five percent each for science and social studies. The exit examination must be administered for the first time at the end of the student's second year of high school enrollment beginning with grade nine. For students with documented disabilities, the assessments developed by the Department of Education shall include the appropriate modifications and accommodations with necessary supplemental devices as outlined in a student's Individualized Education Program and as stated in the Administrative Guidelines and Procedures for Testing Students with Documented Disabilities. The State Board of Education shall establish a task force to recommend alternative evidence and procedures that may be used to allow students to meet graduation requirements even if they have failed the exit examination. The alternative evidence only may be used in the rare instances where there is compelling evidence that a student is well qualified for graduation, but extreme circumstances have interfered with passage of the exit examination and, for that reason alone, the student would be denied a state high school diploma.

(C) After review and approval by the Education Oversight Committee, the end of course assessments of benchmark courses will be administered to all public school students as they complete each benchmark course.

(D) Any new standards and assessments required to be developed and adopted by the State Board of Education, through the Department of Education, must be developed and adopted upon the advice and consent of the Education Oversight Committee.

#### **SECTION 59-18-330. First grade readiness test.**

The State Board of Education, through the State Department of Education, shall develop, select, or adapt a first-grade readiness test that is linked to the adopted grade-one academic standards and a second-grade readiness test that is linked to the adopted grade-two academic standards. The purpose of the tests is to measure individual student readiness, and they are not to be used as an accountability measure at the state level. However, the grade-two readiness test will serve as the baseline for grade-three assessment. The State Department of Education shall provide continuing teacher training to ensure the valid and reliable use of the assessments and develop a minimum statewide data collection plan to include the amount and types of evidence to be collected. Beginning with the 2006-07 school year, the readiness assessment must be modified to provide detailed information on student literacy development.

**SECTION 59-18-340.** Administration of National Assessment of Education Progress.

The State Board of Education is directed to administer annually the National Assessment of Education Progress (NAEP) to obtain an indication of student and school performance relative to national performance levels.

**SECTION 59-18-350.** PSAT or PLAN tests of tenth grade students; availability; use of results.

High schools shall offer state-funded PSAT or PLAN tests to each tenth grade student in order to assess and identify curricular areas that need to be strengthened and re-enforced. Schools and districts shall use these assessments as diagnostic tools to provide academic assistance to students whose scores reflect the need for such assistance. Schools and districts shall use these assessments to provide guidance and direction for parents and students as they plan for postsecondary experiences.

**SECTION 59-18-360.** Cyclical review of state standards and assessments; analysis of assessment results.

(A) The State Board of Education, in consultation with the Education Oversight Committee, shall provide for a cyclical review by academic area of the state standards and assessments to ensure that the standards and assessments are maintaining high expectations for learning and teaching. All academic areas must be initially reviewed by the year 2005. At a minimum, each academic area should be reviewed and updated every seven years. After each academic area is reviewed, a report on the recommended revisions must be presented to the Education Oversight Committee for its consideration. After approval by the Education Oversight Committee, the recommendations may be implemented. As a part of the review, a task force of parents, business and industry persons, community leaders, and educators, to include special education teachers, shall examine the standards and assessment system to determine rigor and relevancy.

(B) Beginning with the 2005 assessment results, the State Department of Education annually shall convene a team of curriculum experts to analyze the results of the assessments, including performance item by item. This analysis must yield a plan for disseminating additional information about the assessment results and instruction and the information must be disseminated to districts not later than January fifteenth of the subsequent year.

**SECTION 59-18-370.** Dissemination of assessment results.

The Department of Education is directed to provide assessment results annually on individual students and schools in a manner and format that is easily understood by parents and the public. In addition, the school assessment results must be presented in a format easily understood by the faculty and in a manner that is useful for curriculum review and instructional improvement. The department is to provide longitudinally matched student data from the standards based assessments and include information on the performance of subgroups of students within the school. The department must work with the Division of Accountability in developing the formats of the assessment results. Schools and districts shall be responsible for disseminating this information to parents.

ARTICLE 5.

ACADEMIC PLANS FOR STUDENTS

**SECTION 59-18-500.** Academic plan for student lacking skills to perform at current grade level; review of results; development of statewide policies.

(A) Beginning in 1998-99 and annually thereafter, at the beginning of each school year, the school must notify the parents of the need for a conference for each student in grades three through eight who lacks the skills to perform at his current grade level based on assessment results, school work, or teacher judgment. At the conference, the student, parent, and appropriate school personnel will discuss the steps needed to ensure student success at the next grade level. An academic plan will be developed to outline additional services the school and district will provide and the actions the student and the parents will undertake to further student success.

(B) The participants in the conference will sign off on the academic plan, including any requirement for summer school attendance. Should a parent, after attempts by the school to schedule the conference at their convenience, not attend the conference, the school will appoint a school mentor, either a teacher or adult volunteer, to work with the student and advocate for services. A copy of the academic plan will be sent to the parents by certified mail.

(C) At the end of the school year, the student's performance will be reviewed by appropriate school personnel. If the student's work has not been at grade level or if the terms of the academic plan have not been met, the student may be retained, he may be required to attend summer school, or he may be required to attend a comprehensive remediation program the following year designed to address objectives outlined in the academic plan for promotion. Students required to participate the following year in a comprehensive remediation program must be considered on academic probation. Comprehensive remediation programs established by the district shall operate outside of the normal school day and must meet the guidelines established for these programs by the State Board of Education. If there is a compelling reason why the student should not be required to attend summer school or be retained, the parent or student may appeal to a district review panel.

(D) At the end of summer school, a district panel must review the student's progress and report to the parents whether the student's academic progress indicates readiness to achieve grade level standards for the next grade. If the student is not at grade level or the student's assessment results show standards are not met, the student must be placed on academic probation. A conference of the student, parents, and appropriate school personnel must revise the academic plan to address academic difficulties. At the conference it must be stipulated that academic probation means if either school work is not up to grade level or if assessment results again show standards are not met, the student will be retained. The district's appeals process remains in effect.

(E) Each district board of trustees will establish policies on academic conferences, individual student academic plans, and district level reviews. Information on these policies must be given to every student and parent. Each district is to monitor the implementation of academic plans as a part of the local accountability plan. Districts are to use Act 135 of 1993 academic assistance funds to carry out academic plans, including required summer school attendance. Districts' policies regarding retention of students in grades one and two remain in effect.

(F) The State Board of Education, working with the Oversight Committee, will establish guidelines until regulations are promulgated to carry out this section. The State Board of Education, working with the Accountability Division, will promulgate regulations requiring the reporting of the number of students retained at each grade level, the number of students on probation, number of students retained after being on probation, and number of students removed from probation. This data will be used as a performance indicator for accountability.

## ARTICLE 7.

### MATERIALS AND ACCREDITATION

**SECTION 59-18-700.** Alignment of criteria for instructional materials with educational standards.

The criteria governing the adoption of instructional materials shall be revised by the State Board of Education to require that the content of such materials reflect the substance and level of performance outlined in the grade specific educational standards adopted by the state board.

**SECTION 59-18-710.** Criteria for state's accreditation system.

By November, 2000, the State Board of Education, working with the Department of Education and recommendations from the Accountability Division, must promulgate regulations outlining the criteria for the state's accreditation system which must include student academic performance.

ARTICLE 9.

REPORTING

**SECTION 59-18-900.** Development of annual report cards; academic performance ratings; contents; promulgation of regulations.

(A) The Education Oversight Committee, working with the State Board of Education, is directed to establish an annual report card and its format to report on the performance for the individual elementary, middle, high schools, and school districts of the State. The school's ratings on academic performance must be emphasized and an explanation of their significance for the school and the district must also be reported. The annual report card must serve at least four purposes:

- (1) inform parents and the public about the school's performance;
- (2) assist in addressing the strengths and weaknesses within a particular school;
- (3) recognize schools with high performance; and
- (4) evaluate and focus resources on schools with low performance.

(B) The Oversight Committee shall determine the criteria for and establish five academic performance ratings of excellent, good, average, below average, and unsatisfactory. Schools and districts shall receive a rating for absolute and improvement performance. Only the scores of students enrolled in the school at the time of the forty-five-day enrollment count shall be used to determine the absolute and improvement ratings. The Oversight Committee shall establish student performance indicators which will be those considered to be useful for assessing a school's overall performance and appropriate for the grade levels within the school.

(C) In setting the criteria for the academic performance ratings and the performance indicators, the Education Oversight Committee shall report the performance by subgroups of students in the school and schools similar in student characteristics. Criteria must use established guidelines for statistical analysis and build on current data-reporting practices.

(D) The report card must include a comprehensive set of performance indicators with information on comparisons, trends, needs, and performance over time which is helpful to parents and the public in evaluating the school. Special efforts are to be made to ensure that the information contained in the report card is provided in an easily understood manner and a reader-friendly format. This information should also provide a context for the performance of the school. Where appropriate, the data should yield disaggregated results to schools and districts in planning for improvement. The report card should include information in such areas as programs and curriculum, school leadership, community and parent support, faculty qualifications, evaluations of the school by parents, teachers, and students. In addition, the report card must contain other criteria including, but not limited to, information on promotion and retention ratios, disciplinary climate, dropout ratios, dropout reduction data, student and teacher ratios, and attendance data.

(E) The principal, in conjunction with the School Improvement Council established in Section 59-20-60, must write an annual narrative of a school's progress in order to further inform parents and the community about the school and its operation. The narrative must cite factors or activities supporting



progress and barriers which inhibit progress. The school's report card must be furnished to parents and the public no later than November fifteenth.

(F) The percentage of new trustees who have completed the orientation requirement provided in Section 59-19-45 must be reflected on the school district report card.

(G) The State Board of Education shall promulgate regulations outlining the procedures for data collection, data accuracy, data reporting, and consequences for failure to provide data required in this section.

#### **SECTION 59-18-910.** Progress reports.

No later than June 1, 1999, the Accountability Division must report on the development of the performance indicators criteria and the report card to the Education Oversight Committee and the State Board of Education. A second report, to include uniform collection procedures for academic standards and performance indicators, is due by September 1, 1999. No later than September, 1999, the State Department of Education shall report to the Oversight Committee the determination of the levels of difficulty for the assessments by grade and academic area. By March 1, 2000, a report on the development of baseline data for the schools is due from the division.

#### **SECTION 59-18-920.** Report card requirements for charter, alternative and career and technology schools.

A charter school established pursuant to Chapter 40, Title 59 shall report the data requested by the Department of Education necessary to generate a report card. The Department of Education shall utilize this data to issue a report card with performance ratings to parents and the public containing the ratings and explaining its significance and providing other information similar to that required of other schools in this section. The performance of students attending charter schools sponsored by the South Carolina Public Charter School District must be included in the overall performance ratings of the South Carolina Public Charter School District. The performance of students attending a charter school authorized by a local school district must be reflected on a separate line on the school district's report card and must not be included in the overall performance ratings of the local school district. An alternative school is included in the requirements of this chapter; however, the purpose of an alternative school must be taken into consideration in determining its performance rating. The Education Oversight Committee, working with the State Board of Education and the School to Work Advisory Council, shall develop a report card for career and technology schools.

#### **SECTION 59-18-930.** Report cards; date for issuance; advertisement of results.

Beginning in 2001 and annually thereafter the State Department of Education must issue report cards to all schools and districts of the State no later than November first. The report card must be mailed to all parents of the school and the school district. The school, in conjunction with the district board, must also inform the community of the school's report card by advertising the results in at least one South Carolina daily newspaper of general circulation in the area. This notice must be published within ninety days of receipt of the report cards issued by the State Department of Education and must be a minimum of two columns by ten inches (four and one-half by ten inches) with at least a twenty-four point bold headline.

### **ARTICLE 11.**

#### **AWARDING PERFORMANCE**

**SECTION 59-18-1100.** Palmetto Gold and Silver Awards Program established; criteria; eligibility of schools for academically talented.

The State Board of Education, working with the division and the Department of Education, must establish the Palmetto Gold and Silver Awards Program to recognize and reward schools for academic achievement. Awards will be established for schools attaining high levels of absolute performance and for schools attaining high rates of improvement. The award program must base improved performance on longitudinally matched student data and may include such additional criteria as:

- (1) student attendance;
  - (2) teacher attendance;
  - (3) student dropout rates; and
  - (4) any other factors promoting or maintaining high levels of achievement and performance. Schools shall be rewarded according to specific criteria established by the division. In defining eligibility for a reward for high levels of performance, student performance should exceed expected levels of improvement. The State Board of Education shall promulgate regulations to ensure districts of the State utilize these funds to improve or maintain exceptional performance according to their school's plans established in Section 59-139-10. Funds may be utilized for professional development support.
- Special schools for the academically talented are not eligible to receive an award pursuant to the provisions of this section unless they have demonstrated improvement and high absolute achievement for three years immediately preceding.

**SECTION 59-18-1110.** Grant of flexibility of receiving exemption from regulations; criteria; continuation of and removal from flexibility status.

(A) Notwithstanding any other provision of law, a school is given the flexibility of receiving exemptions from those regulations and statutory provisions governing the defined program provided that, during a three-year period, the following criteria are satisfied:

- (1) the school has twice been a recipient of a Palmetto Gold or Silver Award, pursuant to Section 59-18-1100;
- (2) the school has met annual improvement standards for subgroups of students in reading and mathematics; and
- (3) the school has exhibited no recurring accreditation deficiencies.

(B) Schools receiving flexibility status are released from those regulations and statutory provisions referred to above including, but not limited to, regulations and statutory provisions on class scheduling, class structure, and staffing. The State Board of Education in consultation with the Education Oversight Committee must promulgate regulations and develop guidelines for providing this flexibility by December 1, 2001.

(C) To continue to receive flexibility pursuant to this section, a school must annually exhibit school improvement at or above the state average as computed in the school recognition program pursuant to Section 59-18-1100 and must meet the gains required for subgroups of students in reading and mathematics. A school which does not requalify for flexibility status due to extenuating circumstances may apply to the State Board of Education for an extension of this status for one year.

(D) In the event that a school is removed from flexibility status, the school is not subject to regulations and statutory provisions exempted under this section until the beginning of the school year following notification of the change in status by the State Department of Education. Subsequent monitoring by the State Department of Education in a school that is removed from flexibility status shall not include a review of program records exempted under this section for the period that the school has received flexibility status or for the school year during which the school was notified of its removal from flexibility status.

**SECTION 59-18-1120.** Grant of flexibility of exemption from regulations and statutes to school designated as unsatisfactory while in such status; extension to other schools.

(A) Notwithstanding any other provision of law, a school designated as unsatisfactory while in such status is given the flexibility of receiving exemptions from those regulations and statutory provisions governing the defined program or other State Board of Education regulations, dealing with the core academic areas as outlined in Section 59-18-120, provided that the review team recommends such flexibility to the State Board of Education.

(B) Other schools may receive flexibility when their strategic plan explains why such exemptions are expected to improve the academic performance of the students and the plan meets the approval by the State Board of Education. To continue to receive flexibility pursuant to this section, a school must annually exhibit overall school improvement as outlined in its revised plan and must meet the gains set for subgroups of students in reading and mathematics. A school which does not requalify for flexibility status due to extenuating circumstances may apply to the State Board of Education for an extension of this status for one year according to the provisions of Section 59-18-1110(D).

## ARTICLE 13.

### DISTRICT ACCOUNTABILITY SYSTEMS

#### **SECTION 59-18-1300.** District accountability system; development and review.

The State Board of Education, based on recommendations of the division, must develop regulations requiring that no later than August, 1999, each district board of trustees must establish and annually review a performance based accountability system, or modify its existing accountability system, to reinforce the state accountability system. Parents, teachers, and principals must be involved in the development, annual review, and revisions of the accountability system established by the district. The board of trustees shall ensure that a district accountability plan be developed, reviewed, and revised annually. In order to stimulate constant improvement in the process of teaching and learning in each school and to target additional local assistance for a school when its students' performance is low or shows little improvement, the district accountability system must build on the district and school activities and plans required in Section 59-139-10. In keeping with the emphasis on school accountability, principals should be actively involved in the selection, discipline, and dismissal of personnel in their particular school. The date the school improvement reports must be provided to parents is changed to February first. Until such time as regulations pursuant to this section become effective, school district accountability systems must be developed, adopted, and implemented in accordance with State Board of Education guidelines.

The Department of Education shall offer technical support to any district requesting assistance in the development of an accountability plan. Furthermore, the department must conduct a review of accountability plans as part of the peer review process required in Section 59-139-10(H) to ensure strategies are contained in the plans that shall maximize student learning. The department shall submit plans for the peer review process to the division for approval by August, 1999. School districts not having an approved plan by August 1, 1999, shall be provided a plan by the department within ninety days.

#### **SECTION 59-18-1310.** Consolidation of strategic plans and improvement reports; submission dates.

The strategic plans and improvement reports required of the public schools and districts in Sections 59-18-1300, 59-18-1500, and 59-20-60 are consolidated and reported as follows: district and school five-year plans and annual updates and district programmatic reports, and school reports developed in conjunction with the school improvement council to parents and constituents to include recommendations of any Education Accountability Act external review teams as approved by the State Board of Education and the steps being taken to address the recommendations, and the advertisement of this report are due on a date established by the Department of Education, but no later than April thirtieth annually; schools reviewed by external review teams shall prepare a report to the parents and constituents of the school, to

be developed in conjunction with the School Improvement Council, and this report shall be provided and advertised no later than April thirtieth annually. The school report card narrative in Section 59-18-900 continues on its prescribed date.

## ARTICLE 15.

### INTERVENTION AND ASSISTANCE

**SECTION 59-18-1500.** Schools rated below average or unsatisfactory; review and revision of improvement plan; notice to parents; publication in newspaper; grant program eligibility.

(A) When a school receives a rating of below average or unsatisfactory, the following actions must be undertaken by the school, the district, and the board of trustees:

(1) The faculty of the school with the leadership of the principal must review its improvement plan and revise it with the assistance of the school improvement council established in Section 59-20-60. The revised plan should look at every aspect of schooling, and must outline activities that, when implemented, can reasonably be expected to improve student performance and increase the rate of student progress. The plan should provide a clear, coherent plan for professional development, which has been designed by the faculty, that is ongoing, job related, and keyed to improving teaching and learning. A time line for implementation of the activities and the goals to be achieved must be included.

(2) Once the revised plan is developed, the district superintendent and the local board of trustees shall review the school's strategic plan to determine if the plan focuses on strategies to increase student academic performance. Once the district board has approved the plan, it must delineate the strategies and support the district will give the plan.

(3) After the approval of the revised plan, the principals' and teachers' professional growth plans, as required by Section 59-26-40 and Section 59-24-40, should be reviewed and amended to reflect the professional development needs identified in the revised plan and must establish individual improvement criteria on the performance dimensions for the next evaluation.

(4) The school, in conjunction with the district board, must inform the parents of children attending the school of the ratings received from the State Board of Education and must outline the steps in the revised plan to improve performance, including the support which the board of trustees has agreed to give the plan. This information must go to the parents no later than February first. This information must also be advertised in at least one South Carolina daily newspaper of general circulation in the area. This notice must be published within ninety days of receipt of the report cards issued by the State Department of Education and must be a minimum of two columns by ten inches (four and one-half by ten inches) with at least a twenty-four point bold headline. The notice must include the following information: name of school district, name of superintendent, district office telephone number, name of school, name of principal, telephone number of school, school's absolute performance rating and improvement performance rating on student academic performance, and strategies which must be taken by the district and school to improve student performance; and

(5) Upon a review of the revised plan to ensure it contains sufficiently high standards and expectations for improvement, the Department of Education is to delineate the activities, support, services, and technical assistance it will make available to support the school's plan and sustain improvement over time. Schools meeting the criteria established pursuant to Section 59-18-1560 will be eligible for the grant programs created by that section.

**SECTION 59-18-1510.** Assignment of external review committee; activities and recommendations.

(A) When a school receives a rating of unsatisfactory or upon the request of a school rated below average, an external review team must be assigned by the Department of Education to examine school and district educational programs, actions, and activities. The Education Oversight Committee, in

consultation with the State Department of Education, shall develop the criteria for the identification of persons to serve as members of an external review team which shall include representatives from selected school districts, respected retired educators, State Department of Education staff, higher education representatives, parents from the district, and business representatives.

(B) The activities of the external review committee may include:

(1) examine all facets of school operations, focusing on strengths and weaknesses, determining the extent to which the instructional program is aligned with the content standards, and recommendations which draw upon strategies from those who have been successful in raising academic achievement in schools with similar student characteristics;

(2) consult with parents, community members, and members of the School Improvement Council to gather additional information on the strengths and weaknesses of the school;

(3) identify personnel changes, if any, that are needed at the school and/or district level and discuss such findings with the board;

(4) work with school staff, central offices, and local boards of trustees in the design of the school's plan, implementation strategies, and professional development training that can reasonably be expected to improve student performance and increase the rate of student progress in that school;

(5) identify needed support from the district, the State Department of Education, and other sources for targeted long-term technical assistance;

(6) report its recommendations, no later than three months after the school receives the designation of unsatisfactory to the school, the district board of trustees, and the State Board of Education; and

(7) report annually to the local board of trustees and state board over the next four years, or as deemed necessary by the state board, on the district's and school's progress in implementing the plans and recommendations and in improving student performance.

(C) Within thirty days, the Department of Education must notify the principal, the superintendent, and the district board of trustees of the recommendations approved by the State Board of Education. After the approval of the recommendations, the department shall delineate the activities, support, services, and technical assistance it will provide to the school. With the approval of the state board, this assistance will continue for at least three years, or as determined to be needed by the review committee to sustain improvement.

#### **SECTION 59-18-1520.** Declaration of state of emergency in school rated below average.

If the recommendations approved by the state board, the district's plan, or the school's revised plan is not satisfactorily implemented by the school rated unsatisfactory and its school district according to the time line developed by the State Board of Education or if student academic performance has not met expected progress, the principal, district superintendent, and members of the board of trustees must appear before the State Board of Education to outline the reasons why a state of emergency should not be declared in the school. The state superintendent, after consulting with the external review committee and with the approval of the State Board of Education, shall be granted the authority to take any of the following actions:

(1) furnish continuing advice and technical assistance in implementing the recommendations of the State Board of Education;

(2) declare a state of emergency in the school and replace the school's principal; or

(3) declare a state of emergency in the school and assume management of the school.

#### **SECTION 59-18-1530.** Teacher and principal specialists; recruitment, eligibility, duties, and incentives.

(A) Teacher specialists on site must be assigned in any of the four core academic areas to a middle or high school in an impaired district or designated as below average or unsatisfactory, if the review team so recommends and recommendation is approved by the State Board of Education. Teacher specialists on site must be assigned at a rate of one teacher for each grade level with a maximum of five to elementary

schools in impaired districts or designated as below average or unsatisfactory. The Department of Education, in consultation with the Division of Accountability, shall develop a program for the identification, selection, and training of teachers with a history of exemplary student academic achievement to serve as teacher specialists on site. Retired educators may be considered for specialists.

(B) In order to sustain improvement and help implement the review team's recommendations, the specialists will teach and work with the school faculty on a regular basis throughout the school year for up to three years, or as recommended by the review committee and approved by the state board. Teacher specialists must teach a minimum of three hours per day on average in team teaching or teaching classes. Teacher specialists shall not be assigned administrative duties or other responsibilities outside the scope of this section. The specialists will assist the school in gaining knowledge of best practices and well-validated alternatives, demonstrate effective teaching, act as coach for improving classroom practices, give support and training to identify needed changes in classroom instructional strategies based upon analyses of assessment data, and support teachers in acquiring new skills. School districts are asked to cooperate in releasing employees for full-time or part-time employment as a teacher specialist.

(C) To encourage and recruit teachers for assignment to below standard and unsatisfactory schools, those assigned to such schools will receive their salary and a supplement equal to fifty percent of the current southeastern average teacher salary as projected by the State Budget and Control Board, Office of Research and Analysis. The salary and supplement is to be paid by the State for three years.

(D) In order to attract a pool of qualified applicants to work in low-performing schools, the Education Oversight Committee, in consultation with the Leadership Academy of the South Carolina Department of Education, shall develop criteria for the identification, selection, and training of principals with a history of exemplary student academic achievement. Retired educators may be considered for principal specialists. A principal specialist may be hired for a school designated as unsatisfactory, if the district board of trustees chooses to replace the principal of that school. The principal specialist will assist the school in gaining knowledge of best practices and well-validated alternatives in carrying out the recommendations of the review team. The specialist will demonstrate effective leadership for improving classroom practices, assist in the analyses of assessment data, work with individual members of the faculty emphasizing needed changes in classroom instructional strategies based upon analyses of assessment data, and support teachers in acquiring new skills designed to increase academic performance. School districts are asked to cooperate in releasing employees for full-time or part-time employment as a principal specialist.

(E) In order to attract a pool of qualified principals to work in low-performing schools, the principal specialists hired in such schools will receive their salary and a supplement equal to 1.25 times the supplement amount calculated for teachers. The salary and supplement are to be paid by the State for two years.

(F) The supplements are to be considered part of the regular salary base for which retirement contributions are deductible by the South Carolina Retirement System pursuant to Section 9-1-1020. Principal and teacher specialists on site who are assigned to below average and unsatisfactory schools shall be allowed to return to employment with their previous district at the end of the contract period with the same teaching or administrative contract status as when they left but without assurance as to the school or supplemental position to which they may be assigned.

(G) For retired educators drawing benefits from the state retirement system who are serving in the capacity of principal or teacher specialist on site, the earnings limitations which restrict the amount of compensation that may be earned from covered employment while drawing benefits under the state retirement system do not apply to any compensation paid to them as an on-site specialist not to exceed one year of such employment whether they are working directly for the school district or for some entity in this capacity. However, no further contributions may be made to the state retirement system related to this compensation and no additional retirement benefits or credits may be received or accrued.

(H) Within the parameters herein, the school district will have final determination on individuals who are assigned as teacher specialists and principal specialists.

**SECTION 59-18-1540.** Mentoring program for principals.

Each principal continued in employment in schools in districts designated as impaired or in schools designated as below average or unsatisfactory must participate in a formal mentoring program with a principal. The Department of Education, working with the Education Oversight Committee, shall design the mentoring program and provide a stipend to those principals serving as mentors.

**SECTION 59-18-1550.** Recertification credits for teachers participating in professional development activities and improvement actions.

Each teacher employed in schools designated as below average or unsatisfactory who participate in the professional development activities and the improvement actions of the school which go beyond the normal school day and year may earn credits toward recertification according to the criteria established by the State Board of Education. To receive credit, activities must be based on identified professional development needs outlined in the school's improvement plan and must include at least one of the following:

- (1) summer institute with follow-up activities;
- (2) practice of new teaching strategies with peers regularly throughout the school year;
- (3) work with peer study groups during the academic year in planning lessons; and
- (4) observing and coaching regularly in one another's classrooms.

The activities must be approved by the Department of Education and the department shall determine the amount of credit earned by the participation.

**SECTION 59-18-1560.** Grant programs for schools designated as below average or unsatisfactory; development of eligibility guidelines; funding.

(A) The State Board of Education, working with the Accountability Division and the Department of Education, must establish grant programs for schools designated as below average and for schools designated as unsatisfactory. A school designated as below average will qualify for a grant to undertake any needed retraining of school faculty and administration once the revised plan is determined by the State Department of Education to meet the criteria on high standards and effective activities. A school designated as unsatisfactory will qualify for the grant program after the State Board of Education approves its revised plan. A grant or a portion of a grant may be renewed annually over the next three years, if school and district actions to implement the revised plan continue. Should student performance not improve, any revisions to the plan must meet high standards prior to renewal of the grant. The revised plan must be reviewed by the district and board of trustees and the State Department of Education to determine what other actions, if any, need to be taken. A grant may be extended for up to an additional two years, if the State Board of Education determines it is needed to sustain academic improvement. The funds must be expended based on the revised plan and according to criteria established by the State Board of Education. Prior to extending any grant, the Accountability Division shall review school expenditures to make a determination of the effective use of previously awarded grant funds. If deficient use is determined, those deficiencies must be identified, noted, and corrective action taken before a grant extension will be given.

(B) The State Board of Education, working with the Department of Education and with the approval of the Education Oversight Committee, will develop guidelines outlining eligibility for the grant programs and methods of distributing funds which will be in effect until such time as the school ratings in Section 59-18-900(B) are implemented. In developing the eligibility guidelines, the board should consider criteria similar to that used in the former impaired district program. Until such time as regulations are promulgated, the funds shall be distributed on a per teacher basis for use only as outlined in the revised school plan.

(C) A public school assistance fund shall be established as a separate fund within the state general fund for the purpose of providing financial support to assist poorly performing schools. The fund may consist of grants, gifts, and donations from any public or private source or monies that may be appropriated by the General Assembly for this purpose. Income from the fund shall be retained in the fund. All funds may be carried forward from fiscal year to fiscal year. The State Treasurer shall invest the monies in this fund in the same manner as other funds under his control are invested. The State Board of Education, in consultation with the commission, shall administer and authorize any disbursements from the fund. The State Board of Education shall promulgate regulations to implement the provisions of this section.

**SECTION 59-18-1570.** School district rated below average; appointment of external review committee; duties; recommendations; composition.

(A) When a district receives a rating of below average, the State Superintendent, with the approval of the State Board of Education, shall appoint an external review committee to study educational programs in that district and identify factors affecting the performance of the district. The review committee must:

- (1) examine all facets of school and district operations, focusing on strengths and weaknesses, determining the extent to which the instructional program is aligned with the content standards and shall make recommendations which draw upon strategies from those who have been successful in raising academic achievement in schools with similar student characteristics;
- (2) consult with parents and community members to gather additional information on the strengths and weaknesses of the district;
- (3) identify personnel changes, if any, that are needed at the school and/or district level and discuss such findings with the board;
- (4) work with school staff, central offices, and local boards of trustees in the design of the district's plan, implementation strategies, and professional development training that can reasonably be expected to improve student performance and increase the rate of student progress in the district;
- (5) identify needed support from the State Department of Education and other sources for targeted long-term technical assistance;
- (6) report its recommendations, no later than three months after the district receives the designation of unsatisfactory, to the superintendent, the district board of trustees, and the State Board of Education; and
- (7) report annually over the next four years to the local board of trustees and state board, or as deemed necessary by the state board, on the district's and school's progress in implementing the plans and recommendations and in improving student performance.

(B) Within thirty days, the Department of Education must notify the superintendent and the district board of trustees of the recommendations approved by the State Board of Education. Upon the approval of the recommendations, the Department of Education must delineate the activities, support, services, and technical assistance it will provide to support the recommendations and sustain improvement over time. The external review committee must report annually to the local board of trustees and the state board over the next four years, or as deemed necessary by the state board, on the district's progress in implementing the recommendations and improving student performance.

(C) The review committee shall be composed of State Department of Education staff, representatives from selected school districts, higher education, and business.

**SECTION 59-18-1580.** Declaration of state of emergency in school district rated unsatisfactory; remedial actions.

(A) If recommendations approved by the State Board of Education are not satisfactorily implemented by the school district according to the time line developed by the State Board of Education, or if student performance has not made the expected progress and the school district is designated as unsatisfactory, the district superintendent and members of the board of trustees shall appear before the State Board of Education to outline the reasons why a state of emergency must not be declared in the district.



- (B) The state superintendent, with the approval of the State Board of Education, is granted authority to:
- (1) furnish continuing advice and technical assistance in implementing the recommendations of the State Board of Education to include establishing and conducting a training program for the district board of trustees and the district superintendent to focus on roles and actions in support of increases in student achievement;
  - (2) mediate personnel matters between the district board and district superintendent when the State Board of Education is informed by majority vote of the board or the superintendent that the district board is considering dismissal of the superintendent, and the parties agree to mediation;
  - (3) recommend to the Governor that the office of superintendent be declared vacant. If the Governor declares the office vacant, the state superintendent may furnish an interim replacement until the vacancy is filled by the district board of trustees. District boards of trustees negotiating contracts for the superintendency shall include a provision that the contract is void should the Governor declare that office of superintendency vacant pursuant to this section. This contract provision does not apply to any existing contracts but to new contracts or renewal of contracts;
  - (4) declare a state of emergency in the school district and assume management of the school district.
- (C) The district board of trustees may appoint at least two nonvoting members to the board from a pool nominated by the Education Oversight Committee and the State Department of Education. The appointed members shall have demonstrated high levels of knowledge, commitment, and public service, must be recruited and trained for service as appointed board members by the Education Oversight Committee and the State Department of Education, and shall represent the interests of the State Board of Education on the district board. Compensation for the nonvoting members must be paid by the State Board of Education in an amount equal to the compensation paid to the voting members of the district board.

**SECTION 59-18-1590.** Continuing review of instructional and organizational practices and delivery of technical assistance by Department of Education.

To assist schools and school districts as they work to improve classroom practice and student performance, the Department of Education must increase the delivery of quality technical assistance services and the assessment of instructional programs. The department may need to reshape some of its organization and key functions to make them more consistent with the assistance required by schools and districts in developing and implementing local accountability systems and meeting state standards. The Department of Education must:

- (1) establish an ongoing state mechanism to promote successful programs found in South Carolina schools for implementation in schools with similar needs and students, to review evidence on instructional and organizational practices considered to be effective, and to alert schools and classroom teachers to these options and the sources of training and names of implementing schools;
- (2) provide information and technical assistance in understanding state policies, how they fit together, and the best practice in implementing them; and
- (3) establish a process for monitoring information provided for accountability and for assessing improvement efforts and implementation of state laws and policies which focuses on meeting the intent and purpose of those laws and policies.

**SECTION 59-18-1595.** Reallocation of technical assistance funding.

Notwithstanding any other provision of law, and in order to provide assistance at the beginning of the school year, schools may qualify for technical assistance based on the criteria established by the Education Oversight Committee for school ratings and on the most recently available end-of-year assessment scores. In order to best meet the needs of low-performing schools, the funding provided for technical assistance under the Education Accountability Act may be reallocated among the programs and purposes specified in this section. The State Department of Education shall establish criteria for reviewing and assisting schools that will be rated unsatisfactory using a tiered system with the

lowest-performing schools receiving highest priority. Not to exceed the statewide total number of specialists stipulated by the Education Accountability Act, the highest priority school assistance shall include a year-long technical assistance team that may include a lead principal or curriculum specialist, or both. All specialists shall have a demonstrated record of success in their field and shall be entitled to the incentives and benefits of a teacher specialist. Technical assistance for below average schools shall be provided to the extent possible in order of need. The State Department of Education shall provide information on the technical assistance strategies and their impact to the State Board of Education, the Education Oversight Committee, the Senate Education Committee, the Senate Finance Committee, the House of Representatives Education and Public Works Committee, and the House of Representatives Ways and Means Committee annually.

## ARTICLE 17.

### PUBLIC INFORMATION

**SECTION 59-18-1700.** Public information campaign; development and approval; funding.

(A) An on-going public information campaign must be established to apprise the public of the status of the public schools and the importance of high standards for academic performance for the public school students of South Carolina. A special committee shall be appointed by the Chairman of the Education Oversight Committee to include two committee members representing business and two representing education and others representing business, industry, and education. The committee shall plan and oversee the development of a campaign, including public service announcements for the media and other such avenues as deemed appropriate for informing the public. The plan must be reported to the Governor, the Senate Education Committee, and the House Education and Public Works Committee by March 15, 1999.

(B) A separate fund within the state general fund will be established to accept grants, gifts, and donations from any public or private source or monies that may be appropriated by the General Assembly for the public information campaign. Members of the Oversight Committee representing business will solicit donations for this fund. Income from the fund shall be retained in the fund. All funds may be carried forward from fiscal year to fiscal year. The State Treasurer shall invest the monies in this fund in the same manner as other funds under his control are invested. The Oversight Committee shall administer and authorize any disbursements from the fund. Private individuals and groups shall be encouraged to contribute to this endeavor.

## ARTICLE 19.

### MISCELLANEOUS

**SECTION 59-18-1910.** Homework centers.

The State Board of Education shall establish grant programs to fund homework centers in schools and districts designated as below average and unsatisfactory. Until such time as these ratings are established, all schools in districts declared to be impaired are eligible to receive funding on a per pupil basis. Schools receiving such designations must provide centers that go beyond the regular school hours where students can come and receive assistance in understanding and completing their school work. Funds provided for these centers may be used for salaries for certified teachers and for transportation costs. Homework centers meeting the criteria established by the board shall receive funds as appropriated by the General Assembly. For 1998-99, of the funds appropriated for assessment, up to five hundred thousand dollars shall be used for homework centers.

**SECTION 59-18-1920.** Modified school year or school day schedule; grant program established; application; implementation plan.

(A) The State Board of Education, through the Department of Education, shall establish a grant program to encourage school districts to pilot test or implement a modified school year or school day schedule. The purpose of the grant is to assist with the additional costs incurred during the intersessions for salaries, transportation, and operations, or for additional costs incurred by lengthening the school day. For a district to qualify for a grant, all the schools within a specific feeder zone or elementary-to-middle-to-high-school attendance area, must be pilot testing or implementing the modified year or day schedule. Districts declared to be impaired will have priority in obtaining such grants.

(B) To obtain a grant, a district shall submit an application to the state board in a format specified by the Department of Education. The application shall include a plan for implementing a modified year or day that provides the following: more time for student learning, learning opportunities that typically are not available in the regular student day, targeted assistance for students whose academic performance is significantly below promotion standards, more efficient use of facilities and other resources, and evaluations of the impact of the modified schedule. Local district boards of trustees shall require students whose performance in a core subject area, as defined in Section 59-18-300, is the equivalent of a "D" average or below to attend the intersessions or stay for the lengthened day and receive special assistance in the subject area. Funding for the program is as provided by the General Assembly in the annual appropriations act. Each grant award for program pilot testing or implementation may not exceed a three-year period.

**SECTION 59-18-1930.** Review of state and local professional development; recommendations for improvement.

The Education Oversight Committee shall provide for a comprehensive review of state and local professional development to include principal leadership development and teacher staff development. The review must provide an analysis of training to include what professional development is offered, how it is offered, the support given to implement skills acquired from professional development, and how the professional development enhances the academic goals outlined in district and school strategic plans. The oversight committee shall recommend better ways to provide and meet the needs for professional development, to include the use of the existing five contract days for in service. Needed revisions shall be made to state regulations to promote use of state dollars for training which meets national standards for staff development.

Upon receipt of the recommendations from the comprehensive review of state and local professional development, the State Department of Education shall develop an accountability system to ensure that identified professional development standards are effectively implemented. As part of this system the department shall provide information on the identified standards to all principals and other professional development leaders. Training for all school districts in how to design comprehensive professional development programs that are consistent with the standards shall also be a part of the implementation. A variety of staff development options that address effective teaching and assessment of state academic standards and workforce preparation skills shall be included in the information provided to principals and other professional development leaders to ensure high levels of student achievement.